



CITY OF HAYWARD AGENDA REPORT

Meeting Date 1/8/04
Agenda Item 3

TO: Planning Commission

FROM: Carl T. Emura, Associate Planner

SUBJECT: Variance No. PL-2003-0462 – Marlene Milani (Applicant)/ Julio and Rubi Magana (Owners) – Request for a Variance to Allow a Garage with a 14-Foot Front Setback Where 20 Feet Is Required and 3'-6" and 5'-0" Side Yards Where 6'-8" Is Required.

The Project Is Located at 24025 Second Street in a Single-Family Residential (RS) District.

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines; and
2. Deny the application subject to the attached findings.

DISCUSSION:

The property is a sloping 4,998-square-foot irregularly shaped lot. To the south of the property is an apartment complex and to the north is a single-family dwelling. The existing house is 1,254 square feet (including a single-car garage) with two bedrooms and one bath. The applicant would like to add a 1,236 square-foot two-story addition at the rear of the house. The addition would include a kitchen nook, a family room, a master bedroom, a bathroom and a deck.

In order to add an additional bedroom or increase the square footage of the house by more than 50 percent, a two-car garage is required. The City Council enacted this requirement in order to help alleviate the excessive parking on Hayward's neighborhood streets. It is assumed that significantly increasing the size of a dwelling and/or adding bedrooms may also increase the number of drivers and cars. It is further assumed that 4 cars could be accommodated on the property if the garage is setback 20 feet: 2 cars could be parked in the garage and 2 in the driveway. While this requirement provides many homeowners the opportunity to improve their homes without impacting parking in the neighborhoods, it is not expected that every property is eligible to take advantage of it.

The applicant has a single-car garage that is only 14 feet from the front property line. The applicant proposes to meet the requirements for a two-car garage by extending the existing garage to within 3'-6" from the east side property line. However, because a front yard setback of at least 20 feet is required and a side yard setback of at least 6'-8" is required, approval of a variance is necessary to construct the garage. In addition, a portion of the second floor addition encroaches in the side setback and a variance is required. The second floor addition aligns with the lower first floor bedroom wall, which is setback 5'-0" from the west property line, however, a 6'-8" side setback is required for the second floor addition. The 5-foot setback is non-conforming.

Staff does not support this application because all the findings cannot be made. Though, there are special circumstances applicable to the property (sloping and irregular shape), other properties in the area have not been granted a reduction in the front or side yard setbacks, therefore approving the variance would be granting a special privilege inconsistent with the limitations upon other properties in the vicinity. Staff recognizes that it would not be feasible to enlarge the garage internally without significantly reducing the living room and a portion of the kitchen, however the required 20-foot setback between the garage and the front property line is meant to accommodate additional parking without cars extending into the public right-of-way and hindering the pedestrian circulation. Staff has observed that on-street parking is limited in the area, including in front of the subject property, as many of the tenants in the surrounding apartment complexes park on the street. There is also a weekly parking restriction for street cleaning, further limiting the street parking. Any additional cars, over the two cars parked in the garage, may have to be parked on the opposite side on the street, thereby requiring the crossing of Second Street, a busy arterial street, further contributing to an unsafe situation.

If the Planning Commission is supportive of the variance, appropriate findings and conditions of approval must be adopted and consideration be given to the design of the addition and the privacy of the residents on adjacent properties.

ENVIRONMENTAL REVIEW:

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15305, Class 5 (a), Minor Alterations of Land Use Limitations.

PUBLIC NOTICE:

On September 1, 2003, a notice describing the variance application was mailed to all property owners and tenants within 300 feet of the subject property and the Mission-Foothills Neighborhood Task Force. A response was received from a neighbor expressing concern on the impact the addition would have on their residence.

On December 29, 2003, a Notice of Public Hearing for the Planning Commission meeting was mailed to property owners and tenants within 300 feet of the subject property and to all interested parties.

Prepared by:



Carl T. Emura
Associate Planner

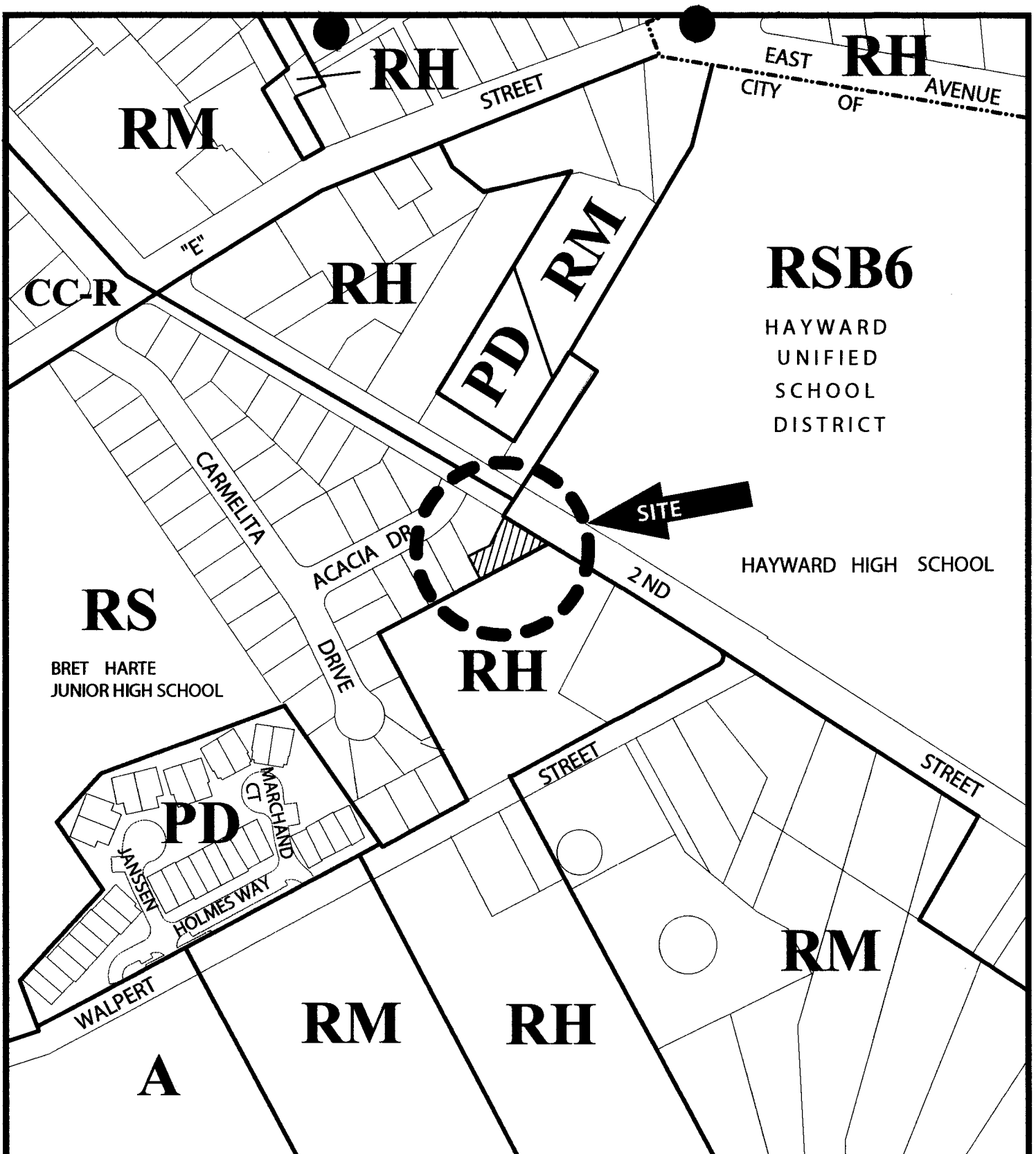
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Findings for Denial
Plans



Area & Zoning Map

PL-2003-0462 VAR

Address: 24025 2nd Street

Applicant: Marlene Milani

Owner: Julio & Rubi Magana

A-Agricultural-ABSA,AB10A,AB100A,AB160A

CC-R-Central City-Residential

PD-Planned Development

RH-High Density Residential RHB 7

RM-Medium Density Residential RMB 3.5, RMB 4

RS-Single-Family Residential,RSB4,RSB6



**CITY OF HAYWARD
PLANNING DIVISION**

January 8, 2004

VARIANCE NO. PL-2003-0462 – Marlene Milani (Applicant)/ Julio and Rubi Magana (Owner)– To allow a reduction of the front yard setback from 20'-0" to 14'- 0" and side yard setback from 6'-8" to 3'-6" to allow the expansion of the single car garage to a two car garage and to reduce to the second floor side yard setback from 6'-8" to 5'-0" to align with existing first floor.

The site is located at 24025 Second Street in the Single Family Residential (RS) District, (APN: 445-0020-026).

FINDINGS FOR DENIAL

- A. Administrative Use Permit PL 2003-0462, will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and is exempt from CEQA review under Section 15305, Class 5a, Minor Alterations in Land Use Limitations.
- B. There are special circumstances applicable to the property in that the lot is irregular in shape and on a sloping site. However, approval of the variance would create safety concerns. The driveway would not be of sufficient depth to accommodate additional cars without protruding into the public right-of-way and on-street parking is limited in the general vicinity of the property. Any additional cars, over the two cars parked in the garage, may have to be parked on the opposite side on the street, thereby requiring the crossing of Second Street, a busy arterial street, further contributing to an unsafe situation.
- C. Strict application of the Zoning Ordinance does not deprives such property of privileges enjoyed by other properties with similar circumstances in that no other variances have been approved for the reduction of front yard setbacks on properties in the vicinity.
- D. The variance would constitute a grant of a special privilege inconsistent with the limitations upon other properties with similar circumstances in the vicinity and zoning district in which the property is situated in that front yard setback variances have not be granted for other properties in the vicinity.

1. AIA DOCUMENT 201, GENERAL CONDITIONS FOR THE PERFORMANCE OF A CONTRACT, ARE HEREBY INCORPORATED INTO THESE DRAWINGS AND SHALL BE CONSIDERED A PART OF THE REQUIREMENTS OF THE CONTRACT. WORK OF THE CONTRACTOR SHALL BE IN ACCORDANCE WITH THE FOLLOWING:

2. THE CONTRACTOR SHALL PROVIDE ALL WORK AND MATERIALS IN ACCORDANCE WITH THE CALIFORNIA STATE BUILDING CODE, 2006 EDITION.

3. ALL WORK SHALL CONFORM WITH TITLE 24, C. & C.

4. THE CONTRACTOR SHALL BE HELD TO HAVE EXAMINED THE BUILDING SITE AND TO HAVE COMPARED IT WITH THE DRAWINGS AND SPECIFICATIONS. TO HAVE CAREFULLY EXAMINED ALL THE CONDITIONS OF THE SITE AND TO HAVE DETERMINED HIMSELF AS TO THE SEASON, TIME AND MANNER IN WHICH THE WORK IS TO BE PERFORMED BEFORE ENTERING INTO THIS CONTRACT, AND NO ALLOWANCE SHALL SUBSEQUENTLY BE MADE ON BEHALF OF THE CONTRACTOR ON ACCOUNT OF ANY DEFICIENCY OF THE WORK OR HIS PART OR HIS NEGLIGENCE OR FAILURE TO ACQUAINT HIMSELF WITH THE CONDITIONS OF THE WORK.

5. GENERALLY, THE DRAWINGS ARE DIAGRAMMATIC; UNLESS SPECIFICALLY SO DETAILED AND INDICATE ONLY GENERAL ARRANGEMENT; THE SPECIFICATIONS ARE DESCRIPTIVE AND INDICATE ONLY GENERAL REQUIREMENTS.

BUILDING TYPE V-N
NO. OF STORIES 2
OCCUPANCY RS
ZONING CLASS RS
LOT SIZE 8,000 S.F.
MAXIMUM LOT COVERAGE 40%
(E) PRIMARY DWELLING 1,254 S.F.
(E) BUILDING HEIGHT 11'-3" AND 13'-3"
ADDITIONS:
1ST FLOOR
2ND FLOOR
TOTAL EXISTING AREA 2,502 S.F.
(N) BUILDING HEIGHT 22'-3"
CLIMATE ZONE 3

E04 S.F.
E93 S.F.

NOTES

1. SEE ENERGY CALCULATIONS FOR BUILDING ENVELOPE COMPLIANCE.
2. GAS FIRED EQUIPMENT SHALL BE CERTIFIED BY THE CALIFORNIA ENERGY COMMISSION (CEC).
3. AIR SUPPLY AND RETURN DUCTWORK LOCATED IN UNCONDITIONED SPACES, ATTICS AND CRAWL SPACES SHALL BE INSULATED WITH 1-1/2" GLASS FIBER 3-4 L.B. DENSITY.

CONDITIONED FLOOR AREA ADDED: 1,088 SQ FT
EXISTING FENESTRATION REMOVED: 79 SQ FT
MAX. PRESCRIPTIVE AREA OF FENESTRATION:
(20% OF CFA + EXISTING FENESTRATION REMOVED):
(20% X 1,088) + 79= 297 SQ FT
NEW FENESTRATION= 244.5 SQ FT < 297 SQ FT

CEILING: R-10 BATT INSULATION
WALLS : R-13 BATT INSULATION
GLAZING: MAX. U VALUE 0.55 OR BETTER USE THERMOPANE
GLAZING ON VINYL FRAMES.

THE WORK CONSISTS OF:

1. NEW 164 S.F. HORIZONTAL ADDITION TO EXISTING GARAGE (AT FRONT FACADE)
2. NEW 569 S.F. HORIZONTAL ADDITION TO REAR OF EXISTING HOME
3. NEW 519 S.F. VERTICAL ADDITION TO REAR OF EXISTING HOME

T1	TITLE SHEET AND GENERAL NOTES
A1	SITE PLAN/ ROOF PLAN
A2	1 ST FLOOR PLAN-EXISTING AND DEMOLITION PLAN
A3	1 ST FLOOR PLAN-EXISTING AND ADDITION ELECTRICAL/POWER/SIGNAL/ HEATING/LIGHTING AND TELECOMMUNICATION PLAN
A4	2 ND FLOOR PLAN -ADDITION ELECTRICAL/POWER/SIGNAL/ HEATING/LIGHTING AND TELECOMMUNICATION PLAN
A5	EXTERIOR ELEVATIONS
A6	EXTERIOR ELEVATION

[illegible]

MAGANA ADDITION
Project No. 24025 - 2ND STREET
Legal Address
LEONARD, GA
Documentation Author Telephone
Prescriptive Package D 9
Compliance Method (Package or Component) Climate Zone
W/ALTERNATIVE PACKAGE
Team

Building Permit #
Plan Check / Date
Field Check / Date
Examination Agency Use Only

Total Conditioned Floor Area 2062 s² Average Ceiling Height: 8 ft
Conditioned Sub Floor Area _____
Building Type: Single Family ☒ Addition
(check one or more) Multi-Family ☐ Remodel-Plus-Additions
Floor Orientation: North South / East / West / All Orientations
(select floor orientation is different from North and south end)
Number of Stories 2
Number of Dwelling Units _____
Floor Construction Type: Full Basement (check one or more)

BUILDING ENVELOPE INSULATION						
Component Type	Frame Type as noted on map	Core Insulation R-Value	Shading Insulation R-Value	Term. R-Value*	Assembly U-Value*	Location/Comments (side, girth, typical, etc.)
Wall	HD	R 13	-	13		ADDITION
Roof	HD	R 32	-	32		ADDITION
Floor	HD	R 32	-	32		ADDITION
Door	HD	R 32	-	32		ADDITION
Window	HD	R 32	-	32		ADDITION
Foundation	HD	R 32	-	32		ADDITION
Other	HD	R 32	-	32		ADDITION

*For insulation calculations, Term. R-Value and Assembly U-Value are not required for a second document, but must comply with the following:

Personnel #/Date	Drive type	Age yr	Shedding Devices			
			Preparation type	Preparation type	Ratio for Shedding type	Overweight type
John	N	5.0	6.5	NR	STD	N/A
John	E	62.25	5.5	NR	STD	N/A
John	S	15.75	5.5	NR	STD	N/A
John	W	68.5	6.5	NR	STD	N/A
Scott		8		NR	-	

MAGANA ADDITION

Note: Input hydraulic or combined hydraulic data under Water Heating Systems, except Design Heating Load Distribution

Heating Equipment Type, make, model, year, serial, etc.	Minimum Efficiency (AFUE or SEER)	Type and Location (room, attic, etc.)	Duct or Piping R-Value	Thermostat Type	Heat Pump Configuration (split or package)
(N) FURNACE	90%	DUAT	R-6.2	SETBACK	
Cooling Equipment Type, air conditioner, heat pump, heat splitting	Minimum Efficiency (SEER)	Duct Location (attic, etc.)	Duct R-Value	Thermostat Type	Heat Pump Configuration (split or package)

☐ Sealed Drums (all classes toxic)
(Double testing and certification and IRRS water field verification required)

☐ TXVs or Commission approved equivalent, readily accessible (minimum sizes 2 and 8-15 m)
(Double testing and certification and IRRS laser or field verification required)

Climate Zone	Window SHOC	Window U-Factor	SEER	Heating
3	NR	0.55	12	A/EUE 90%.

Water Heater Type	Distribution Type	Number in System	Radii Input (kW in Stack)	Tank Capacity (m ³)	Energy Factor or Recovery Efficiency	Standby Loss (%)	External Tank Insulation R-Value
N/A	Gr			6.2			0.12

SPECIAL FEATURES (add extra items if necessary): Package C and D: TV's or CommuniSat approved equivalent, Sealed Doors, Radial Barriers (see specializations requirements for detailed barriers in Section E.1.3 the 1999 Residential Manual), Package C: thermal mass (thermal mass type, covering, thickness, and description).

PL-2003-0462 VAR

COMPLIANCE STATEMENT

This certificate of compliance lists the building features and performance specifications needed to comply with Title 24, Parts 1 and 6 of the California Code of Regulations, and the administrative regulations to implement them. This certificate has been signed by the individual with overall design responsibility. The undersigned recognizes that compliance using direct seating and TCVs (or Commission approved equivalents) requires installer testing and certification and field verification by an approved MERS rater.

Name: <u>MARLENE MILANI</u>	Name: <u>MARLENE MILANI</u>
Title/Firm: <u>ARCHITECTURAL FIRMS</u>	Title/Firm: <u>ARCHITECTURAL FIRMS</u>
Address: <u>1806 WEIR DR</u>	Address: <u>1806 WEIR DR</u>
<u>HAYWARD, CA 94541</u>	<u>HAYWARD, CA</u>
Telephone: <u>510-581-4771</u>	Telephone: <u>510-581-4771</u>
Lic. # <u>M.E. Milani</u> <u>4-7-03</u> <small>(Signature) (Date)</small>	Lic. # <u>M.E. Milani</u> <u>4-7-03</u> <small>(Signature) (Date)</small>

Name: _____
Title: _____
Agency: _____
Telephone: _____

Note: Low-rise residential buildings subject to the firecode must contain these measures regardless of the compliance approach used. Items marked with an asterisk (*) may be superseded by more stringent compliance requirements listed on the Certificate of Compliance. When this checklist is incorporated into the permit documents, the firecode must still be amended by all parties to maintain compliance performance specifications for the mandatory measure whether they are shown elsewhere in the documents or in this checklist only.

Instructions: Check or initial applicable boxes when completed or enter N/A if not applicable

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Note: Lowest numerical ratings appear in the Trends chart across these measures regardless of the equipment approach used. Issues marked with an asterisk (*) may be superseded by more stringent compliance requirements based on the Guidelines of Compliance. When the checklist is incorporated into the permit documents, the figures above shall be considered by all permit applicants against performance specifications for the mandatory measures whether they are shown otherwise in the document or on this checklist only.

Instructions: Check or initial applicable boxes when completed or enter N/A if not applicable

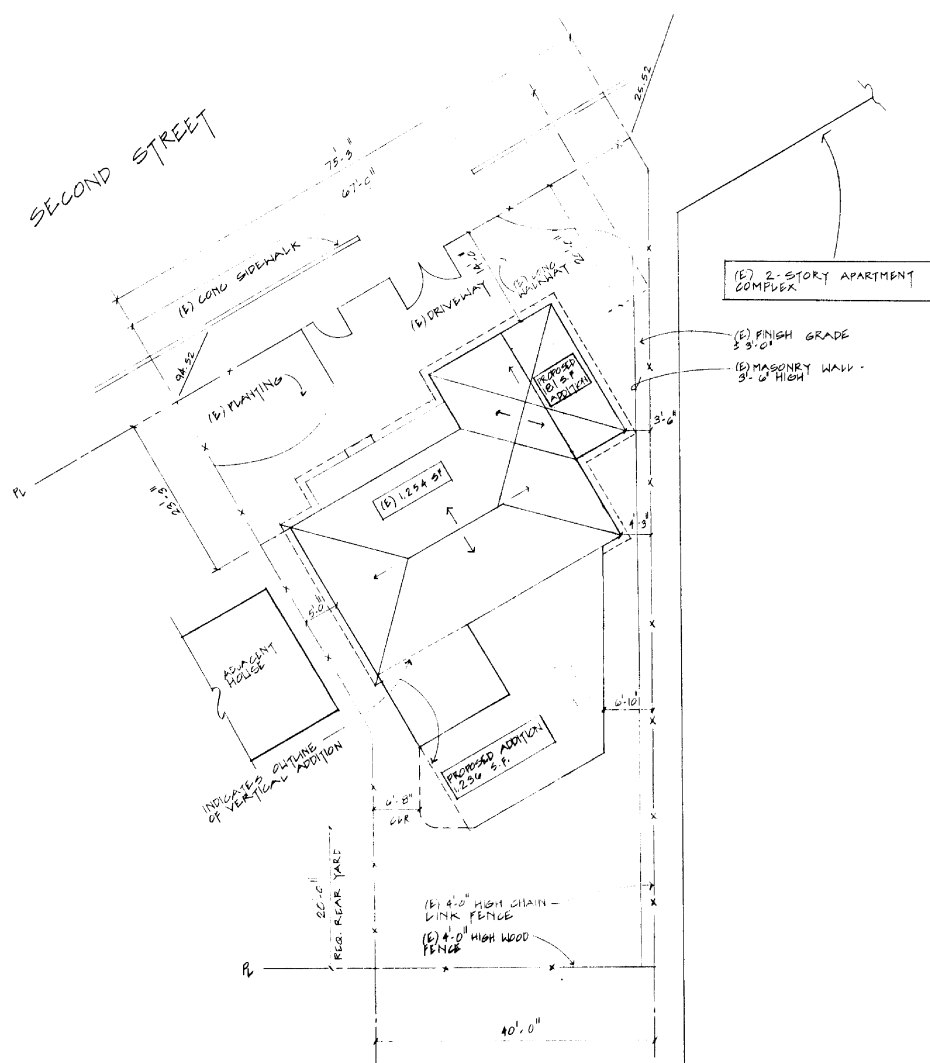
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RECEIVED
✓ DEC 08 2003

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Hayward, CA 94541
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MAGANA ADDITION
24025 2 ND STREET
HAYWARD, CA 94544



SITE / ROOF PLAN



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MAGANA ADDITION
24025 2 ND STREET
HAYWARD, CA 94544

Date	1-30-03
Scale	1/8" = 1'-0"
Drawn	M. MILANI
Job	
Sheet	A1
Of	Sheets

WALL LEGEND (A2)

SYMBOL	DESCRIPTION
	EXISTING PERIMETER WALL TO REMAIN
	EXISTING INTERIOR PARTITION TO REMAIN
	EXISTING WALL, DOORS, WINDOWS ETC TO BE DEMOLISHED

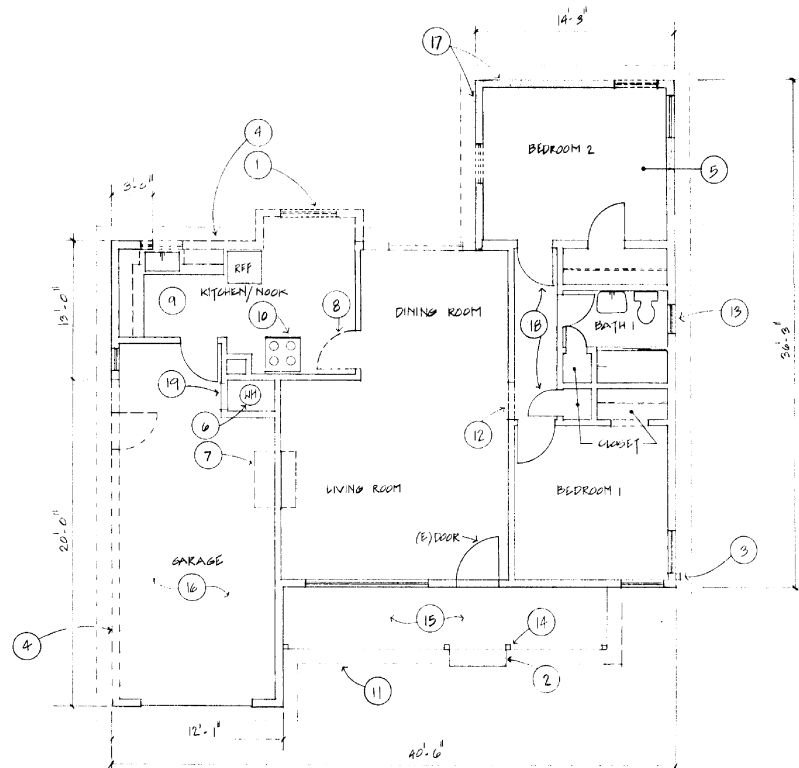
DEMOLITION GENERAL NOTES (A2)

THESE NOTES ARE INTENDED TO DESCRIBE THE GENERAL EXTENT OF DEMOLITION AND TO HIGHLIGHT SPECIFIC SITUATIONS. THESE NOTES DO NOT CONSTITUTE A SPECIFIC DESCRIPTION OF THE PROJECT, AND THE GENERAL CONTRACTOR IS RESPONSIBLE FOR THE ADDITIONAL INFORMATION AS REQUIRED TO ACCOMPLISH THE SCOPE OF WORK.

STUB OFF AND RE-ROUTE ALL PLUMBING ITEMS AS NEEDED TO COMPLETE THE WORK.

NOTES

- (E) BAY WINDOW TO BE REMOVED. PREPARE REMAINING (E) CONSTRUCTION FOR (N) WORK.
- (E) CONC STUPLANDING.
- (E) GAS METER.
- (E) PERIMETER WALL TO BE DEMOLISHED TO THE EXTENT INDICATED. PREPARE REMAINING (E) CONSTRUCTION FOR (N) WORK. PLEASE REFER TO SHEET A1 FOR SCOPE OF (N) WORK.
- (E) ROOF @ BEDROOM #2 TO BE REMOVED. PLEASE REFER TO SHEET A3, A4, A5 AND A6 FOR SCOPE OF NEW WORK.
- (E) WATER HEATER TO BE REPLACED-SEE SHEET A1.
- (E) MASONRY CHIMNEY TO BE DEMOLISHED.
- REMOVE IRONSTONE FOR RE-USE. PREPARE REMAINING (E) CONSTRUCTION FOR (N) WORK.
- (E) BASE/UPPER CABINETS, SINK AND ACCESSORIES TO BE REMOVED.
- (E) RANGE W ROOF VENT.
- INDICATES GUTLINE OF (E) OVERHANG.
- (E) WINDOW.
- (E) WINDOW.
- (E) WOOD POST.
- (E) PORCH.
- (E) CONC SLAB-ON-GRADE.
- (E) PERIMETER WALL-REMOVE (E) HORIZONTAL WOOD LEVEL SIDING.
- (E) DOOR TO REMAIN.
- (E) ACCESS PANEL TO WATER HEATER.



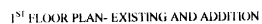
(E) FLOOR PLAN- DEMOLITION PLAN

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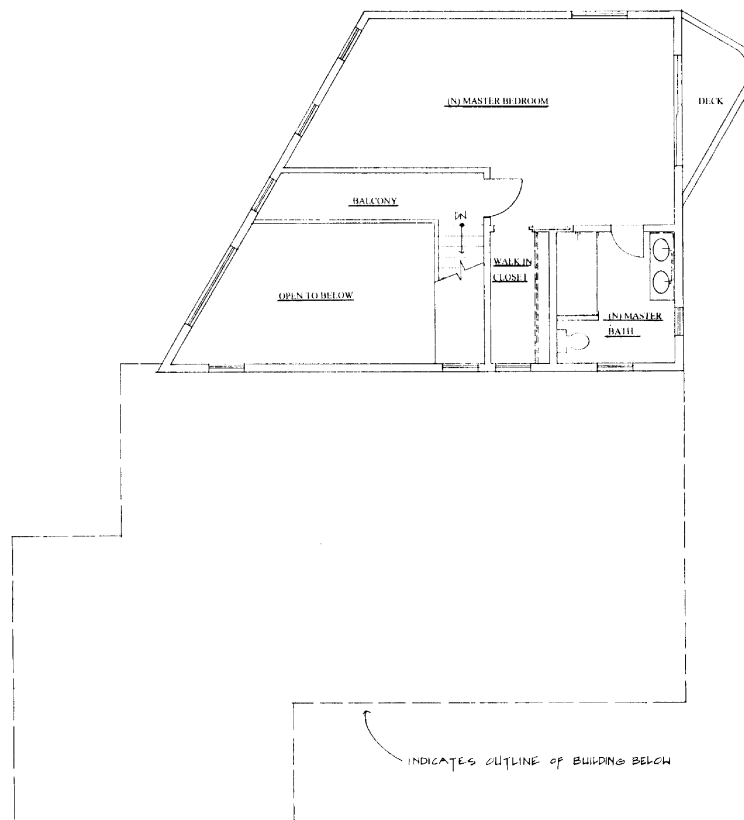
ARCHITECTURAL FORMS
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MACANA ADDITION
24025 2ND STREET
HAYWARD, CA 94544

Date	1-30-03
Scale	1/4" = 1'-0"
Drawn	M. MILANI
Job	
Sheet	A2
Of	Sheets



A)



2ND FLOOR ADDITION

WALL LEGEND (A4)	
SYMBOL	DESCRIPTION
	NEW PERIMETER WALL: 2x4 STUDS @ 16" O.C. (6090 W/ 1/2" CDX PLYWOOD) PROVIDE 3 LAYER 7/8" THICK CEMENT PLASTER OVER STEEL WIRE, OVER 2-1/4" RIGID INSUL. 1/2" PAPER, R-13 INSUL. BTW STUDS. PROVIDE 5/8" GYP. BOARD INSIDE.
	NEW INTERIOR PARTITION: 2x4 STUDS @ 16" O.C. (6090 W/ 1/2" CDX PLYWOOD) PROVIDE HORIZONTAL WOOD REVESTING ON MET. LATH OVER 2-1/4" RIGID INSUL. 1/2" PAPER, R-13 INSUL. BTW STUDS. PROVIDE 5/8" GYP. BOARD INSIDE.
	NEW INTERIOR LOW PARTITION WALL @ 20" HIGH (FIELD VERT) 2x4 STUDS @ 16" O.C. (6090 W/ 1/2" CDX PLYWOOD) ON ONE SIDE, PROVIDE 5/8" GYP. BOARD. AND 1/2" PAPER, R-13 INSUL. BTW STUDS. PROVIDE 5/8" GYP. BOARD INSIDE.

REVISIONS	BY

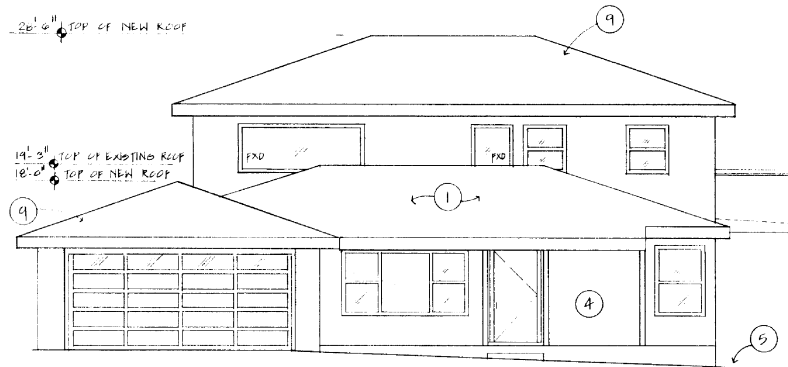
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MAGANA ADDITION
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HAYWARD, CA 94544

Date	12-05-03
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Job	
Sheet	A4
Of	Sheets

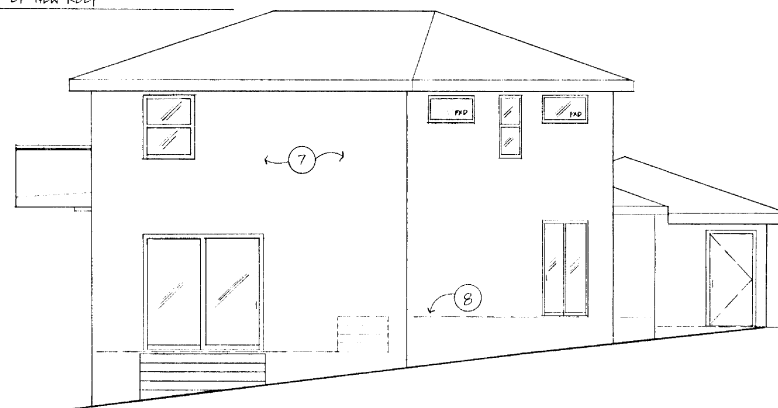
20'-0" TOP OF NEW ROOF

19'-3" TOP OF EXISTING ROOF
18'-0" TOP OF NEW ROOF



NORTH ELEVATION

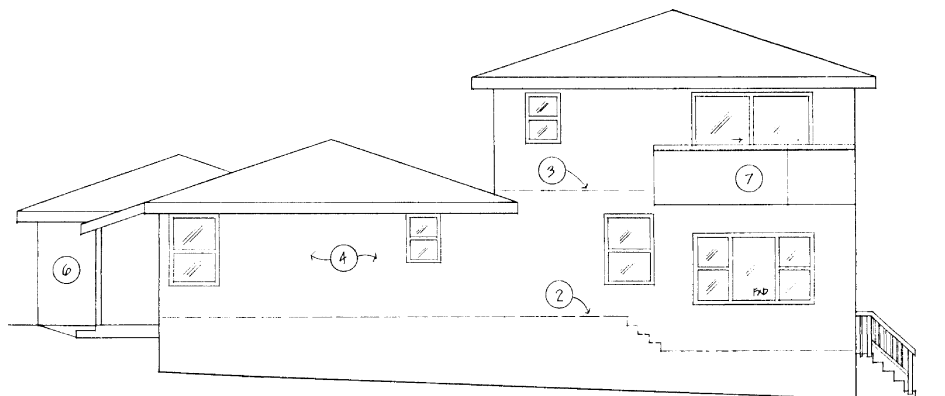
20'-0" TOP OF NEW ROOF



SOUTH ELEVATION

SHEET NOTES

1. (1) COMPOSITION SHINGLE ROOFING
2. (2) FLOOR DECK AND WOOD JOISTS
3. INDICATES TOP OF SECOND FLOOR
4. (4) HORIZONTAL WOOD SIDING
5. (5) FINISH GRADE
6. HORIZONTAL WOOD BEVEL SIDING
7. 3/4" LAYER, 7/8" THICK CEMENT PLASTER OVER STUCCO WIRE, OVER 2-LAYERS OF GRADE "D" PAPER PAINTED
8. (8) FINISH FLOOR TO ALIGN W/ EXISTING FINISH FLOOR
9. COMPOSITION SHINGLE ROOFING - MIN CLASS "A" - MATCH EXISTING COLOR



WEST ELEVATION

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MAGANA ADDITION
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Date 12-05-05

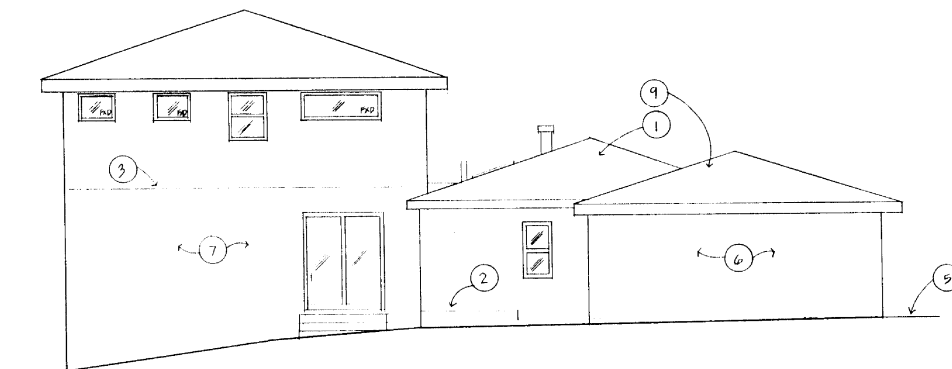
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Drawn P1, P2, A1, A2

Job

Sheet

Of A5 Sheets



EAST ELEVATION

SHEET NOTES

1. (L) COMPOSITION SHINGLE ROOFING
2. (L) FLOOR DECK AND WOOD JOISTS
3. INDICATES TOP OF SECOND FLOOR
4. (L) HORIZONTAL WOOD SIDING
5. (L) FINISH GRADE
6. HORIZONTAL WOOD BEVEL SIDING
7. 3/4" X 1/2" X 1/2" LIME PLASTER OVER STUCCO W/ 2 LAYERS OF GRADE "D" PAPER PAINTED
8. (N) FINISH FLOOR TO ALIGN W/ EXISTING FINISH FLOOR
9. COMPOSITION SHINGLE ROOFING - MIN CLASS "A" - MATCH EXISTING COLOR

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MAGANA ADDITION
24025 2 ND STREET
HAYWARD, CA 94544

Date	12-09-09
Scale	1/4" = 1'-0"
Drawn	M. MILLER
Job	
Sheet	A6
Of	Sheets